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in opinion

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CONCORD, N.H.

Mrs. Mary Otis Booth
Executive Secretary
New Hampshire Cancer Commission
State House Annex
Concord, New Hampshire

Dear Mrs. Booth:

In reply to your letter of August 24, 1955, please be advised that it is my opinion that the Cancer Commission is not authorized by chapter 152 of the Revised Laws to seek reimbursement for services expended for the care and treatment of indigent cancer patients.

Said chapter provides for the furnishing of care to indigent or dependent persons which presupposes a finding that a person lacks the ability to pay. Being silent as to reimbursement, authority is lacking to seek reimbursement from any legally liable relative or from the patient himself should he at some time come into possession of sufficient funds. Clearly if the patient falsely represented that he was indigent, recovery could be had of the money fraudulently obtained. Also should any person contract to reimburse the Commission in consideration of assistance, recovery could be had on the contract.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/aml